

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF OCTOBER 19, 2023

Prepared on October 3, 2023

ITEM NUMBER: 8

SUBJECT: Total Maximum Daily Load Program Update and TMDL Report Card Demonstration

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ACTION: Information/Discussion

SUMMARY

This item provides an overview of the Central Coast Regional Water Quality Control Board's (Central Coast Water Board) Total Maximum Daily Load (TMDL) Program, including the status of current projects, goals, and priorities. This staff report highlights new information related to the Program priorities and completion of our TMDL Report Card tool. A detailed summary of the TMDL Program including the adoption and approval process is available in our May 2019 staff report.¹ Current information on the TMDL Program priorities and tasks for the 2023-2024 fiscal year are summarized in the Central Coast Water Board's Draft Strategic Plan (see pages 25-26).²

The TMDL Program is a component of the federal Clean Water Act's framework designed to identify and restore impaired waters, and to protect designated beneficial uses of waterbodies. To achieve these goals, TMDL Program staff develop strategies that describe how pollutant loads coming from various sources must be reduced to attain water quality standards;³ develop TMDLs and allocate loads to pollutant sources; and collaborate with interested parties. Because TMDLs are not self-implementing, the State and regional Water Board regulatory mechanisms (e.g., permits and cleanup and abatement orders), as well as non-regulatory actions (e.g., voluntary management actions and grant funded restoration and treatment projects) are essential for restoring water quality.

¹ May 2019 staff report for the TMDL Program Update:
https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2019/may/item17/item17_stfrpt.pdf

² Central Coast Water Board's Draft Strategic Plan
https://www.waterboards.ca.gov/centralcoast/board_info/agendas/2023/aug/item14_att1.pdf

³ Water quality standards consist of three core components: designated uses of a water body, criteria to protect designated uses, and an antidegradation requirement to protect existing uses and high-quality waters. <https://www.epa.gov/standards-water-body-health/what-are-water-quality-standards>

The TMDL Program prioritizes projects that:

1. implement actions to address and prevent water quality threats to human health (i.e., drinking water and recreation uses) and aquatic habitats;
2. address multiple and related pollution problems (e.g., watershed scale projects for nutrients and biostimulatory effects or toxicity and toxic pollutants); and/or
3. have multi-benefit outcomes (e.g., leverage or build upon existing work or permits, protection of other beneficial uses such as groundwater recharge, and leverage grant funding opportunities).

The staff presentation will provide an overview of recently adopted TMDL projects and current projects under development that are aligned with the project criteria above.

Staff will also provide an introduction and demonstration of web-based automated TMDL [Report Cards](#).⁴ The online Report Card tool allows users to view water quality data and TMDL project information for all approved TMDLs. The Report Cards graphically display whether water quality data is meeting TMDLs using data processed for use in the Integrated Report.⁵ These Report Cards include a map showing water quality monitoring locations and provide information relevant to each TMDL regarding the implementation mechanisms (i.e., specific permits and grants) that will result in achieving water quality standards on the specified TMDL compliance schedule.

Human Right to Water

California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California “that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes.” On January 26, 2017, the Central Coast Water Board adopted Resolution [No. R3-2017-0004](#)⁶, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board’s top priorities.

The TMDL Program furthers the human right to water by prioritizing TMDL development for impairments to waterbodies designated with the municipal and domestic supply beneficial use and by developing implementation strategies to address specific sources of pollution that may impact the quality of drinking water. TMDLs establish numeric targets, allocate TMDLs to each source and define the implementation strategy (e.g., regulate via permit discharge limits and/or voluntary actions such as grant projects) so that municipal and domestic supply beneficial uses are restored. The TMDL Program

⁴ TMDL Report Cards website:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/tmdl/303d_and_tmdl_projects.html

⁵ The Integrated Report combines water quality data assessments that inform California’s Clean Water Act section 303(d) List of impaired waters and section 305(b) Water Quality Conditions Report.

⁶ https://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/2017/2017-0004_hrtw_fnl.pdf

regularly works with interested parties to develop implementation plans to improve water quality and advance the human right to water.

The TMDL Report Card tool can be used to visualize water quality conditions and trends toward achieving the municipal and domestic supply water quality objectives. For example, a TMDL Report Card for nitrate will show a timeseries graph of nitrate data in the context of the TMDL (e.g., the maximum contaminant level of 10 mg/L) and the date the TMDL became effective.

Environmental Justice

Environmental Justice principles call for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies that affect every community's natural resources and the places people live, work, play, and learn. The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of all people, including Underrepresented Communities. Underrepresented Communities include but are not limited to Disadvantaged Communities (DACs), Severely Disadvantaged Communities (SDACs), Economically Distressed Areas (EDAs), Tribes, Environmentally Disadvantaged Communities (EnvDACs), and members of Fringe Communities.⁷ Furthermore, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

Central Coast Water Board staff in the TMDL Program conduct extensive outreach for each TMDL project. This includes issuing information (e.g., notices, factsheet, etc.) in both English and Spanish, conducting informational meetings with organizations that support Underrepresented Communities, and providing interested parties with opportunities to engage via public meetings and public comment periods. Stakeholders include governmental agencies/leaders, environmental justice groups, environmental groups, and community groups throughout the Central Coast. If impacts in DACs are

⁷ Disadvantaged Community: a community with an annual median household income that is less than 80% of the statewide annual median household income (Public Resources Code section 80002(e)); Severely Disadvantaged Community: a community with a median household income of less than 60% of the statewide average. (Public Resources Code section 80002(n)); Economically Distressed Area: a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less with an annual median household income that is less than 85% of the statewide median household income and with one or more of the following conditions as determined by the department: (1) financial hardship, (2) unemployment rate at least 2% higher than the statewide average, or (3) low population density. (Water Code section 79702(k)); Tribes: federally recognized Indian Tribes and California State Indian Tribes listed on the Native American Heritage Commission's California Tribal Consultation List; EnvDACs: CalEPA designates the top 25 percent scoring census tracts as DACs. Census tracts that score the highest five percent of pollution burden scores but do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data are also designated as DACs (refer to the CalEnviroScreen 3.0 Mapping Tool or Results Excel Sheet); Fringe Community: communities that do not meet the established DAC, SDAC, and EDA definitions but can show that they score in the top 25 percent of either the Pollution Burden or Population Characteristics score using the CalEnviroScreen 3.0.

identified, Central Coast Water Board staff help facilitate outreach (e.g., via meetings with community groups and targeted outreach) and education to inform affected parties and connect them with available resources. TMDL projects include focused outreach to tribes that are traditionally and culturally affiliated with the geographic area of a project (including tribes that have not requested formal notification of such projects) and to communities that may have disproportionate impacts from pollution in the project area.

The web based TMDL Report Card tool provides data visualization in an easy-to-understand format which allows the user to quickly see if water quality has improved. The TMDL Report Cards help communicate information on water quality and implementation actions to all interested people. The Report Cards allow users to quickly locate water quality information in the area they are interested in.

Climate Change

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has launched the Central Coast Water Board's Climate Action Initiative, which identifies how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution No. 2017-0012.

Climate change will affect water quality and consequently must be considered in developing TMDLs and associated implementation strategies. TMDL Program staff analyze and evaluate climate change impacts for each TMDL project. Accordingly, every TMDL Technical Report includes a robust discussion of relevant data such as rainfall and flow conditions in the watershed as well as sea level rise data if the TMDL project includes estuarine or coastal waterbodies. Staff continue to evaluate climate change models to identify any that are relevant and informative to a TMDL project.

CONCLUSION

To date, the TMDL Program has developed TMDLs and associated implementation plans to address 42% of the impairments identified on the current 303(d) List. The majority of those TMDLs focused on the Central Coast Water Board's highest priority water quality problems including toxicity, pesticides, and nutrients. TMDL staff will continue to identify high priority impairments on the 303(d) List for future TMDL development. Finally, TMDL Program staff will continue to look for opportunities to increase the accessibility of TMDL project information for the public and staff in the various implementing programs by conducting outreach and developing tools, such as the TMDL Report Cards, that simplify the water quality data assessments and TMDL information.